such a database comparing user information to authenticate users making Applicants claims obvious to one skilled in the art. Applicant has very carefully reviewed the Laursen and Tabuki patents and respectfully disagrees with the Examiner's finding that Applicant's invention is obvious to one skilled in the art in view of Laursen and Tabuki.

Applicant agrees with the Examiner that a web browser is a well-known internet tool, such as the well known Microsoft Internet Explorer. However, Applicant respectfully disagrees with the Examiner's conclusions that a web browser as disclosed in Laursen in fig. 2B, col.5, lines39-64, exchanging information with, and interacting with users, acts like the "agents" that the Applicant has claimed. Given the indefiniteness of the claims language "to interact like a person", as pointed out by the Examiner in his Office Action, Applicant can understand how the Examiner could possibly have read this claim element as a web browser. In the amendment below, Applicant has further described and limited the "agents" to more clearly point out that these agents are not the web browser disclosed in Laursen.

In fact Applicant's "agents" were specifically designed to act as an intelligent proxy for a customer using a wireless device that does not have a traditional browser, or a wireless device that has only e-mail capability. As such, the users are able to not only connect to databases and perform simple tasks, but browse, fill-out pages, and communicate with different servers utilizing different protocols, along with the ability to execute complex algorithms. The communication with the user is specifically designed for wireless devices, standards, and protocols.

Agents are software tools, now well known in the art but just being developed when Applicant first filed this important application, that automatically do certain jobs on the internet according to what a user asked for. An agent can be in 15 places at the same time. An agent can let one know if ones favorite web site changed today without the user even looking at it. Agents live on the computer or server and are sent out on missions to parse information from web sites. They use powerful statistical or linguistic tools to analyze the information they find. This differs greatly from a web browser. A web browser simply performs a search command and then

displays the information. It is performed on command and is not programmable to perform an ongoing mission. The browser is only a search and display tool and is not analytical.

For example:

1. Browser. Search on the web for someone selling and 1956 Corvette. Search is performed and then results displayed on the screen. The search is then ended.

Agent. The search is performed for the 1956 Corvette seller. The agent continues to search on the web 24 hours a day, even while you are away from the computer. Using the invention of this application it can then send you the search information to your wireless device. It can be programmed to actually place a purchase order without your involvement. In the case of an auction, the agent can be programmed to place certain bids under specific guidelines without your involvement whatsoever.

2. Browser. Search Ebay for the seller of a specific item. Items are displayed and search has ended. If you place a bid and leave your computer, you will not know what is happening on the auction or if someone else places a higher bid.

Agent. It is programmed to send you updates or changes to the auction via your wireless device in accordance with this invention. It can be programmed to place bids for you and react to specific situations.

3. Online stock trading. An agent can be programmed to watch your investment portfolio 24/7 and notify you of specific movements/changes. A browser cannot do this.

Also, in reference to the Laursen patent, the invention concentrates on "...an important object of the present invention is to provide secure means for an authorized entity to control the dissemination of mobile data to a specified group of mobile stations from anywhere at anytime." Mobile data is described as voice and messages, mostly pertaining to services offered by service providers (col. 1 lines 26-40) or for a corporation to broadcast message to sales team (col.1 lines 50-60), "push" technology. The focus is not on interactive, on-demand, communication as in

Applicant's invention, even though they reference patent 5,809,415 "Method and architecture for an interactive two-way data communication" (col. 10 lines 12-15). When using Applicant's invention, the user has access to sites that are not able to communicate with wireless devices, and Applicant's invention is able to log the user to the sites, intelligently navigate to the relevant information through use of the agents, and then return this information to him/her in the appropriate format for the wireless device being used.

Laursen's patent does in fact discuss data input and output using a web browser and associated various web browser protocols. It also discusses communications between the web browser and wireless devices using various communication protocols. Applicant agrees these are functions and processes well known in the art. Conversely, nowhere is it shown, or even suggested in Laursen, the use of the additional software subroutines, beyond any of the common protocols discussed, which are specifically programmed to apply independent intelligence (e.g., without user input) to recognize specific locations, no matter where located on the web page, or how described on the web page, for inputting specific parcels of information, into the web page, and to recognize specific locations, no matter where located, or how described on the web page, and for gathering output of specific parcels of information off of the web page for delivery to the wireless device as disclosed in Applicant's invention.

Given the above-described limitation in the claims as now amended which is not discussed, disclosed, or even implied in the Laursen patent, Applicant respectfully submits the Examiner has not presented a prima facie case of obviousness even in light of Tabuki.

It is well established case law that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination. See In re Greiger, 815 F 2.2d 686, 2 USPQ 2d 1276, 1278 (Fed Cir. 1987). The Courts have also stated "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This Court has previously stated that '[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to

deprecate the claimed invention." In re Frich, 972 F. 2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992) (quoting In re Fine, 837 F. 2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988)). The Examiner has gone beyond this prohibited choosing among isolated disclosures. The Examiner, possibly based on the indefiniteness of the claims as previously written, has merely assumed the function was performed in the prior art, even though it was not, then applied that non existing function against the Applicant by adding it to the prior art, then claiming the Applicant's invention was obvious. Applicant's amendment to the claims eliminates this interpretation.

Given the total absence of use of the intelligent software routines (Agents) in the disclosure of Laursen as compared with Applicant's device, Applicant strongly believes the Examiner has not presented a prima facie case of obviousness. This is due to the fact that the reference cited by the Examiner merely discusses the use of a web browser and Applicant's invention includes "agents," that are not a web browser, or any typical search engine found on web browsers at the time of Applicant's invention.

The present invention, Interactive Wireless Devices to On-Line System, as defined in amended Claims 1 through 5, is nonobvious and not taught by the Laursen reference in view of Tabuki, or any of the other references cited. The Examiner has used the claimed invention as a reference against itself as if it had preceded itself in time. Legal authority invalidates such an analytical or reverse engineering approach to patent examinations. It is not Applicant's burden to refute the Examiner's position that it would have been obvious to one of ordinary skill in this art at the time this invention was made to arrive at the present invention in view of the Laursen and Tabuki patents. It is the burden of the Examiner to show certain teaching or suggestion in the reference to support this allegation. Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 USPQ2d 1434 (Fed. Cir. 1988).

As the Federal Circuit observed in Orthopedic Equipment Co. v. United States, 217 USPQ 193, 199 (Fed Cir. 1983):

> The question of nonobviousness is a simple one to ask, but difficult to answer ... The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness ...

The Examiner has also rejected Claims 3, 4, and 5, under 35 U.S.C. 103(a) as being unpatentable over Laursen and Tabuki in view of United States Patent No. 6,092,111 issued to Sciver. Since Applicant has shown in the above discussion that the limitation of the "agents" is not disclosed, obvious, or even suggested in Laursen and Tabuki, and further given that Claims 3, 4, and 5 are dependent on, and include all the limitations of Claim 1, (i.e. the "agents"), they therefore are also not obvious, even in light of Sciver.

The amended claims in this important patent application were in fact drawn to a new, useful and nonobvious invention. Accordingly, Applicant respectfully submits that the invention claimed is clearly patentable over such prior art or any combination thereof.

While there have been inventions which incorporate some aspect of what Applicant's device achieves there is nothing which incorporates them all into one device to accomplish the objectives Applicant is attempting to accomplish, which is to allow the user to have access to sites that are not able to communicate with wireless devices, and then log the user to the sites, intelligently navigate to the relevant information through use of the "agents", and then return this information to him/her in the appropriate format for the wireless device being used.